

1904-060 Chancery Causes. R. E. Sword vs. Martha J. Sword &
Lee Co.

Price

2 Plats

Ch-Estate Dispute
T-Property

To the Honorable H.A.W.Skeen, Judge of the Circuit Court of Lee County, Virginia:

Humbly complaining your orator R.E.Sword would respectfully show unto your Honor, that his father E.N.Sword, a citizen of this County departed this life, intestate, in the month of August, 1903; that at the time of his death he left a widow Martha J.Sword, and the following children his heirs at law, to-wit: Alice^{J.} Price nee Sword who intermarried with one D.D.Price, and who is 22 years of age, John P.Sword, 21 years of age, Garfield Sword, 19 years of age, Arthur Sword, 17 years of age, Ollie J.Sword, 15 years of age, S.F.Sword, 13 years of age, Elijah N.Sword, 11 years of age, Ray M.Sword, 10 years of age and Flora Sword, 4 years of age, and your orator who is now 28 years of age.

Your orator will now show your Honor that the said E.N.Sword died seized and possessed of the following real estate in Lee County, Virginia, to-wit:

1st, A boundary containing about 70 acres, lying on Wallens Creek in Lee County, Virginia, adjoining the lands of Flora A. Bailey, S.A.Lockhart, Morgan Kimberling and others, apart of which tract was inherited by the said E.N.Sword from J.W.Sword, deceased, and a part of which was conveyed to him by William Oxford et al and Dudley Williams et al;

2nd, A one-half undivided interest in and to a certain lot containing about 5 acres, which lies adjoining the foregoing tract and was conveyed to said E.N.Sword^{+ R.E.Sword} by Put Lockhart.

3rd, A boundary of land containing about 40 acres lying on Wallens Ridge and on the waters of Wallens Creek, adjoining the lands of Mary E.Price and H.T.Ferguson and others, and was conveyed to said E.N.Sword by the heirs of Alfred Williams deceased.

4th, A tract containing about 20 acres, lying on Wallens Ridge, adjoining the lands of S.A.Lockhart, S.J.Lockhart, A.P.Sword and H.T.Ferguson.

Your orator is advised that immediately upon the death of his father, the said E.N.Sword, the said lands descended to your orator

and his brothers and sisters hereinbefore set out, in equal proportions, subject the to the right of the widow to dower therein.

Now, the object of this bill is to have dower laid off and assigned to the said widow, Martha J. Sword, out of said lands, and to have all of said lands partitioned between all the children and heirs at law of the said E. N. Sword.

The prayer, therefore, of your orator is that Martha J. Sword, Alice J. Price, John P. Sword, Garfield Sword, Arthur Sword, Ollie J. Sword, S. F. Sword, Elijah N. Sword, Ray M. Sword and Flora Sword, be made parties defendant to this bill; that they be required to answer the same but not under oath as answer under oath is expressly waived; that a guardian ad litem be appointed to answer and defend for the said Garfield Sword, Arthur Sword, Ollie J. Sword, S. F. Sword, Elijah N. Sword, Ray M. Sword and Flora Sword, who are infants under the age of 21 years; and that upon a hearing it may be decreed that dower be laid off and assigned to the said widow, Martha J. Sword out of said lands, and that all of said lands be properly partitioned between the children and heirs at law of the said E. N. Sword, giving to each a full one-tenth part thereof; ^{in value} and for full _^ general relief.

And he will ever pray &c.

A. M. Lewis p. q.

Plffs Costs

Munsey Clerk \$5.90

Tax 1.50 PD
Bryington Shoff 6.50

H. A. L. 5.00

Cornus } C. S. Lear 35.00

{ Michael Sword 5.00

{ Put Lockhart 5.00

Chairman } R. E. Sword 9.00

Garfield } Garfield Sword 5.00

{ D. D. Price 4.00

{ Silas Sword .50

Flagman Preston Sword 2.50

Bushman M. M. Marcum 2.00

R. E. Sword for board 2.50

Clerk for recording 10.55

~~799.95~~

attys fees betand 25-

Ewing, clerk

R. E. Sword

vz { Bill in Chy.

Martha J. Sword et al

1903 1st October rules

bill filed & pa executed

and H. A. L. filed and

Decree Nisi

1903, 2nd October D. N. Conf

+ Cause set for hearing

To the Honorable H.A.W.Skeen, Judge of the Circuit Court of
Lee County, Virginia:

The answer of Garfield Sword, Arthur Sword, Ollie J.Sword,
S.F.Sword, Elijah N.Sword, Ray M.Sword, and Flora Sword, by Geo.
P.Cridlin, their guardian ad litem, assigned to defend them in this
suit, to a bill of complaint exhibited against them and others in
this honorable Court by R.E.Sword.

Respondents reserving th themselves the benefit of all just
exceptions to said bill, for answer thereto, or to so much thereof
are
as they ~~xx~~ advised it is material they should answer, answering they
say:

That they are infants of tender years, and by reason of their
infancy are incapable of understanding or of taking care of their
rights and interests. They, therefore, by their said guardian ad
litem commend themselves and their rights and interests to the pro-
tection of the Court, and pary that no decree may be pronounced
which will tend to their prejudice.

And now having fully answered, the said respondents pray to
be hence dismissed with their reasonable costs in this behalf ex-
pended, and they will ever pray &c.

Geo. P. Cridlin
Guardian ad litem for Garfield,
Arthur, Ollie J., S.F., Elijah N.,
Ray M., and Flora Sword.

Sword to before me by Geo.P.Cridlin, guardian ad litem for
Garfield Sword, Arthur Sword, Ollie J.Sword S.F.Sword, Elijah N.
Sword Ray M.Sword and Flora Sword, this 6th day of October, 1903.

A.B. Munsey, Clerk.

R. E. Sword

v2. } In Chg.

Martha J. Sword

Answer of G. A. L.

Filed October 6th 1908

A. B. Munsey clerk

G. A. L. fee \$5.00

R.E.Sword,	Plff.)
vs.)
) In Chy.
Martha J.Sword et al.,	Defts.)

This cause came on again this day to be heard upon the papers formerly read therein, and the report of C.S.Cox, Michael Sword, Putnam Lockhart and N.S.Cox, four of the commissioners appointed by decree of November 6th, 1903, to allot to the defendant, Martha J.Sword, her dower in the lands of her late husband, E.N.Sword, deceased, and to make partition of said lands in severalty among the ten children of the said E.N.Sword--and was argued by counsel. On consideration whereof, and for reasons appearing to the court, said report of partition and allotment of dower is approved and confirmed, the same having been filed for more than ten days, and being unexcepted to.

It is therefore adjudged, ordered and decreed that Martha J.Sword, widow of the said E.N.Sword, deceased, take and hold for and during the term of her natural life the lands allotted to her by the commissioners aforesaid as and for her dower in her said husband's real estate, according to the metes and bounds, and subject to the rights of way, privileges and provisions set forth and designated in the report and plats of said commissioners, filed January 30th, 1904.

It is further adjudged, ordered and decreed that Flora Sword take and hold lot No.1; that Roy M.Sword take and hold lot No.2; that Elijah N.Sword take and hold lot No.3; that Silas F.Sword take and hold lot No.4; that Olive J.Sword take and hold lot No.5; that Arthur Sword take and hold lot No.6; that John P.Sword take and hold lot No.7; that Robert E.Sword take and hold lot No.8; that Alice J. Price (nee Sword) take and hold lot No.9; and that Garfield Sword take and hold lot No.10, each respectively in fee simple, and according to the metes and bounds, and subject to the dower right, rights of way, privileges and provisions set forth and designated in said report and plats of said commissioners, filed January 30th, 1904.

It is decreed that the clerk of this court will record the report and plats of said commissioners, together with so much of the decree entered in this cause on Nov. 6th, 1903, as is necessary to show their appointment and the duties required of them, as well as so much of this decree as is necessary to show the confirmation of their report and plats, in the deed books kept in his office

for the recordation of deeds, and he will properly index the same in the names of the parties.

It is further decreed that an attorney's fee of \$ $25\frac{00}{100}$, and the other legal costs incident to this suit and partition, be paid by the ten children of the said E.N.Sword, deceased, as above designated, in equal proportions, and the proportionate part of each shall constitute a lien upon the interest allotted to each respectively, and the Administrator of the estate of the said E.N. Sword is hereby directed to pay the attorney's fee and other costs out of any funds that he may have in his hands belonging to said estate, and such payments, when made, shall be allowed him on settlement of his administration account. And this cause is stricken from the docket.

R. E. Sword

25. { Decree Confirming
Partition &c.

Martha J. Sword et al.
Em. C.O.B. No. 7 p. 380

Enter this decree,
this Feb. 15th 1904.

J. A. W. Sherr

Reading (three)

R.E. Sword, - - - - - Plaintiff

vs.

In Chancery

Martha J. Sword et al. - - - - - Defendants.

This cause came on this day to be heard upon the bill of the Complainant and the answer under oath, of Geo.P.Cridlin, Guardian ad litem for Garfield Sword, Arthur Sword, S.F. Sword, Elijah N. Sword, Ray M. Sword and Flora Sword infant defendants, filed at rules; and was argued by counsel.

And it appearing to the Court that process has been duly served on all of the adult defendants, and that they have each failed to appear, plead, demur or answer to said bill, the said bill is taken for confessed as to them.

On consideration of all of which it is adjudged, ordered and decreed that C.S.Cox, Micheal Sword, N.S.Cox, Putnam Lockhart and Cowan Poteet, who are hereby appointed Commissioners for the purpose, do go upon the lands in the bill and proceedings mentioned and partition the same as follows:

They will first lay off and assign to Martha J. Sword, widow of E.N. Sword, deceased, dower, consisting of one-third in rental value of all the lands owned by the said E.N. Sword at the time of his death, and so as to include the mansion house of the said E.N. Sword if she desires it. Said Commissioners will then proceed to partition all of said lands among the children and heirs at law of the said E.N. Sword deceased, giving to each one equal tenth part thereof, quality and quantity considered. Said commissioners will report their action hereunder, filing therewith ~~and~~ plat of said partition, to the next term of this Court.

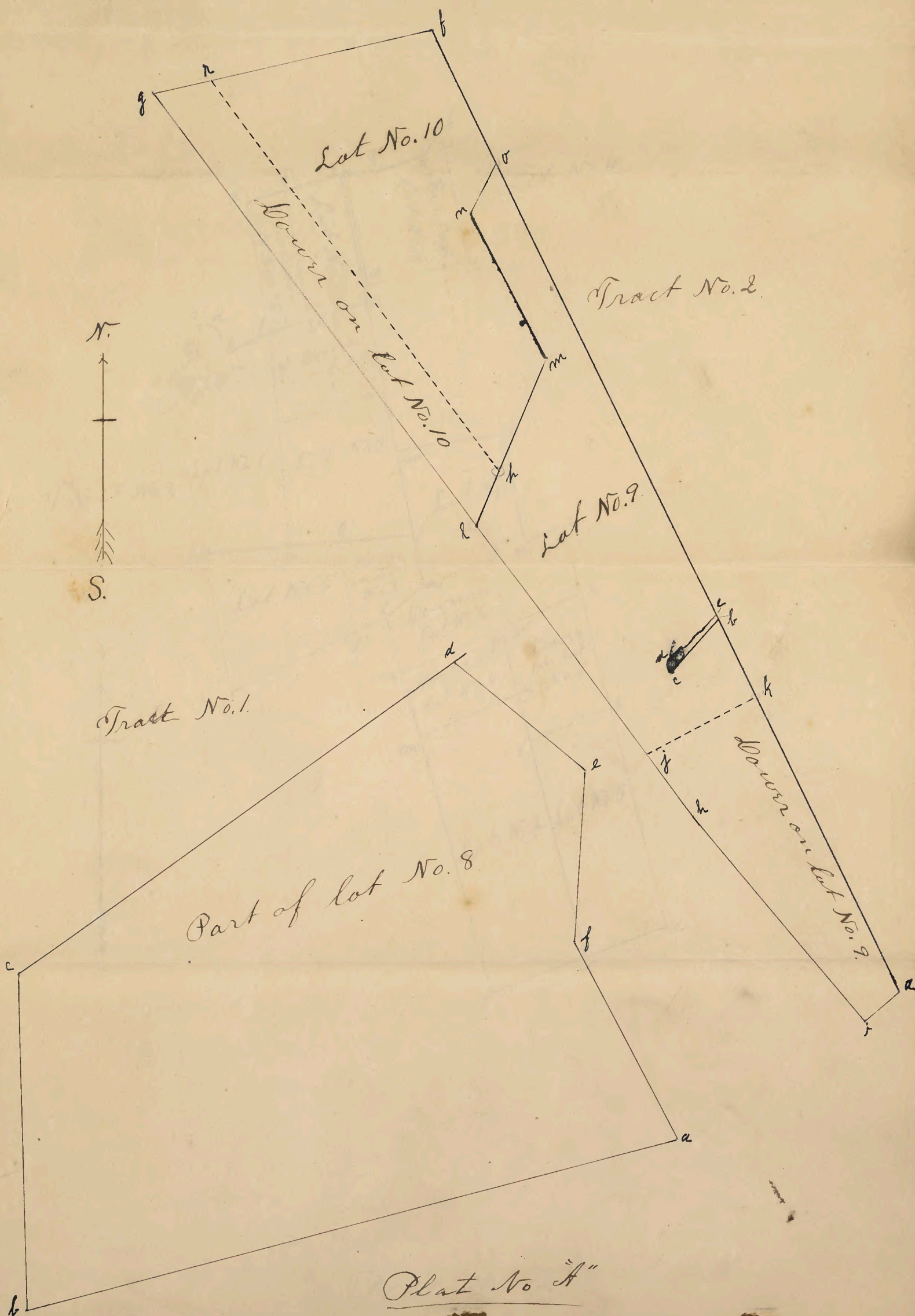
And this cause is continued.

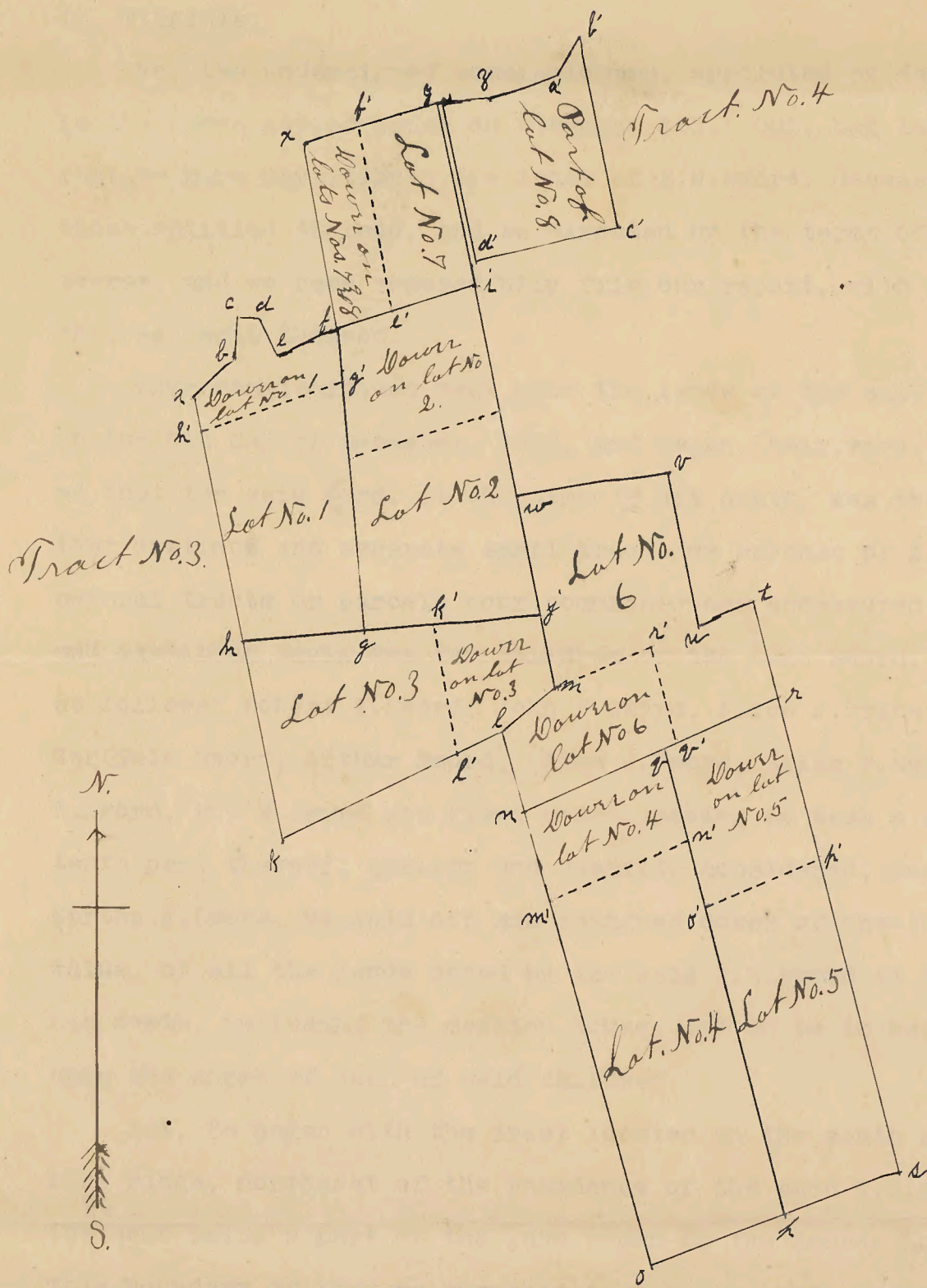
R. E. Sword
vs. { In Chy.
Martina J. Sword et al

Entered Nov. 6. 1903.
Chy. O. D. 7. page 367.

Enter this decree

H. A. D. Thoms
Nov. 6, 1903.





Plat No. "B."

REPORT OF PARTITION.

R.E.Sword, Plff.)
vs.) In Chancery.
Martha J.Sword et al., Defts.)

To the Hon.H.A.W.Skeen, Judge of the Circuit Court for Lee County, Virginia:

We, the undersigned commissioners, appointed by decree entered in the above styled cause on November 6th, 1903, beg leave to report that we have partitioned the lands of E.N.Sword, deceased, among those entitled thereto, and as directed by the terms of the aforesaid decree, and we here respectfully file our report, with plats "A" and "B", as parts thereof.

Your commissioners went upon the lands of the said Sword, dec'd, on the 8th day of December, 1903, and began their work. They ascertained that the said ^wSord, at the time of his death, was the owner of four distinct and separate small tracts or parcels of land, and these several tracts or parcels your commissioners endeavored to lay off and partition among the ten children of the said Sword, which are as follows: Robert E.Sword, John P.Sword, Alice J.Price (nee Sword), Garfield Sword, Arthur Sword, Olive J.Sword, Silas F.Sword, Elijah N.Sword, Roy M.Sword and Flora Sword, giving to each a one equal tenth part thereof, quality and quantity considered, and to the widow, Martha J.Sword, we laid off and assigned dower of one-third in rental value, of all the lands owned by the said E.N.Sword at the time of his death, including the mansion house, and so as to bear equally upon the share of each of said children.

1st, We began with the tract located on the south side of Wal-len's ridge, northeast of the residence of the said E.N.Sword, dec'd, the same being a part of the land known as the Andrew Lockheart land. This boundary of land we surveyed as a whole, and ascertained the boundaries thereof to be as follows: Beginning at a stake in the center of the public road, (said stake being South three and one-half poles from the center of a ledge of rock, which is crossed by a branch), S.75 1/2°W. 59.7 poles to a stake; thence N.1 3/4°W.30 poles to a stake on the Preston Sword line; thence with same N.54 1/2° E. 48.5 poles to a stake in a lane; thence S.47 1/2° E. 15.22 poles to a stake in road; thence S.2 1/2° W. 15 pole to a stake in road; thence S. 25 1/2° E. 20 poles to the Beginning, containing about twelve acres.

2nd, We next surveyed the tract on the south side of Wallen's ridge, known as the Williams tract, the boundaries of which are as follows: Beginning at a stake near a small black oak, N.25°W. 74 poles to a poplar in a hollow; thence with same S.50°W. 18 poles; thence N.25°W. 1 pole, so as to ~~ex~~clude a spring; thence N.50° E. 13 poles; thence N.25°W. 115 poles to a stake, six feet west from a small hickory on top of Wallen's ridge; thence with the top of said ridge S.79 1/4 W. 53.7 poles to a stake, near three chestnut oak stumps; thence S.36 3/4°E. 162 poles to a stake near a buckeye; thence S.39°E. 48.2 poles to a stake near a small sourwood and oak; thence N.39°E. 8 poles to the Beginning, containing about 37 acres.

3rd, We next surveyed the tract known as the mountain land, the boundaries of which are as follows: Beginning at two hickories on the south bank of Wallen's creek near a spring, N.1 3/4° E. 8.25 poles to a sugar tree; thence S.82°E. 4 poles to a box-elder; thence S.29°E. 8 poles to a stake; thence N.64 1/2°E. 12 poles to a sycamore; thence N.10 1/4°W. 36 poles to a sycamore on the bank of the creek, and with the same N.72°E. 26 poles to a sycamore; thence S.12°E. 77 3/4 poles to a stake; thence N.78°E. 29 poles to a stake; thence S.12°E. 30.25 poles to a stake; thence N.64°E. 11.5 poles to a stake; thence S.15°E. 112 poles to a stake on top of mountain, and with same S.69°W. 52 poles to a large rock east of a deep ravine; thence N.15°W. 105 poles to a stake near Kimberling's dwelling house; thence S.63°W. 46.5 poles to a stake near a rock; thence N.12°W. 86.5 poles to a stake at west end of a stone wall, and with same N.47 1/2°E. 11 poles to the Beginning, containing about 74 acres.

4th, We next surveyed a small tract of land of about five acres owned jointly by the the said E.N.Sword and his son R.E.Sword, purchased from Put Lockheart, located on the south side of Wallen's creek. The boundaries of this tract we ascertained to be as follows: Beginning at a sycamore on south bank of creek, in a lane, N.88 1/4°E. 9.75 poles to a sycamore on creek; thence N.69°E. 15 poles to a white-oak on bank on creek; thence N.27°E. 8 poles to an elm on the bank of creek; thence S.12°E. 37.6 poles to a stake; thence S.73°W. 29 poles to a stake in lane, and with same N.12°W 31.5 poles to the Beginning.

As above stated, this tract or parcel of land was owned jointly

by the said E.N. and R.E.Sword, and as the said R.E.Sword was willing to take this land as a part of the share to be allotted to him in this partition of his father's estate, we accordingly assigned this interest to him, as will be hereafter noticed.

The commissioners partitioned ^{and assigned} the foregoing lands among the ten above named children, as follows:

OUT OF TRACT NO.3, (Plat "B", herewith filed as part hereof),

(1), To Flora Sword,

LOT NO.1,

as follows: Beginning at (b), two small hickories on south bank of creek near a spring, N.1 3/4° E. 8.25 poles to (c), a sugartree; thence S.82° E. 4 poles to (d), a box-elder; thence S.29° E. 8 poles to (e), a stake at the end of a stone wall and ledge; thence N.64 1/2° E. 12 poles to (f), a sycamore; thence S.6° E. 59 poles to (g), a stake on north line of lot No.3; thence with same S.82° W. 23 poles to (h), a stake in wire fence, (the Sword and Bailey line); thence N.12° W. 48.5 poles to (a), a stake at west end of a stone wall; thence with same N.47 1/2° E. 11 poles to the Beginning, containing about 7 acres.

(2), To Roy M.Sword,

LOT NO.2,

as follows: Beginning at (f), a sycamore, a corner to lot No.1, N.73° E. 25 poles to (i), a stake in lane near sugartree; thence S.12° E. 35.25 poles to (j), a stake in lane near sugartree, corner to lot No.3; thence S.82° W. 34 poles to (g), a stake, corner to lot No.1; thence N.6° W. 59 poles to the Beginning, containing about 11 acres.

(3), To Elijah N.Sword,

LOT NO.3,

as follows: Beginning at (j), a stake in lane near a sugartree, corner to lot No.2, S.12° E. 14 poles to (m), a stake; thence S.38 1/2° W. 13.5 poles to (l), a stake, corner to Kimberling land; thence S.63° W. 46.5 poles to (k), a stake near a rock on the west line of Sword land; thence N.12° W. 38 poles to (h), a corner to lot No.1; thence N.82° E. 55 poles to the Beginning, containing about 10 acres.

(4), To Silas F.Sword,

LOT NO.4,

as follows: Beginning at (n), a peach tree on the Sword and Kimberling line, N.64° E. 28.5 poles to (q), a stake, corner to lot No.5; thence S.15° E. 21.5 poles to (p), a stake on top of mountain; thence with top

of same S.69°W. 28 poles to (o), a large rock east of a deep ravine; thence N.15°W. 89.5 poles to the Beginning, containing about 15 acres.

(5), To Olive J. Sword,

LOT NO.5,

as follows: Beginning at (q), a corner to lot No.4, N.64°E. 24 poles to (r), a stake on the Sword and Mink line; thence S.15°E. 93.25 poles to (s), a stake near a marked hickory on top of mountain; thence with ~~top~~ of same S.69°W. 24 poles to (p), corner to lot No.4; thence N.15°W. 91.5 poles to the Beginning, containing about 13 acres.

(6), To Arthur Sword,

LOT NO.6,

as follows: Beginning at (l), corner of Kimberling land, N.33 1/2°E. 18.5 poles to (m), a stake, corner to lot No.3; thence N.12°W. 37 poles to (w); thence N.78°E. 29 poles to (v), a stake; thence S.12°E. 30.5 poles to (u); thence N.64° E.11.5 poles to (t), a stake on Mink line; thence with same S.15°E. 18.75 poles to (r), corner to lot No.5; thence S.64°W. 52.5 poles to (n), a peach tree, corner to lot No. 4; thence N.15°W. 15.5 poles to the Beginning, containing about 12 1/2 acres.

(7), To John P. Sword,

LOT NO.7,

as follows: Beginning at (f), a sycamore, corner to lots Nos. 1 and 2, N.10 1/4° W. 36 poles to (x), a sycamore on south bank of creek, and with same N.72° E. 26 poles to (y), a sycamore; thence S.12°E. 35.5 poles to (i), a stake near a sugartree, corner to lot No.2; thence S.72°W. 25 poles to the Beginning, containing about 5 1/2 acres.

(8), To Robert E. Sword,

LOT NO.8,

we assign tract No. 4, on plat "B", and tract No.1, on plat "A", (which is herewith filed as part hereof). Tract No.4 is bounded as follows: Beginning at (y), a sycamore, on south bank of creek, and with same N.83 1/4° E. 9.75 poles to (z), a sycamore, on bank of creek; thence with same N.69° E. 15 poles to (a'), a white oak; thence with creek N.27° E. 8 poles to (b'), an elm; thence S.12° E. 37.6 poles to (c'), corner of S.A.Lockheart land; thence S.73° W. 29 poles to (d'), a ~~stake~~ in lane; thence N.12° W.31.5 poles to the Beginning.

In this tract of land the said Robert E. Sword was the owner of a one-half undivided interest, by purchase from Put Lockheart by himself

and his father, E.N.Sword, and the foregoing calls include the whole of said tract, and out of this undivided tract we assign to the said Robert E.Sword the interest of his father in said tract as a part of the said Robert E.Sword's interest in the partition of the said E.N.Sword's estate, and for the residue of his interest in said estate we assign to him all of tract No.1, plat "A", which is bounded as follows: Beginning at (a), a stake in the center of the public road, (said stake being south $3\frac{1}{2}$ poles from the center of a ledge of rock, which is crossed by a branch), S.75 $1\frac{1}{2}^{\circ}$ W. 59.7 poles to (b), a stake; thence N.1 $3\frac{3}{4}^{\circ}$ W. 30 poles to (c), a stake on the Preston Sword line; thence with same N.54 $1\frac{1}{2}^{\circ}$ E. 48.5 poles to (d), a stake in a lane; thence S.47 $1\frac{1}{2}^{\circ}$ E. 15.22 poles to (e), a stake in the road; thence with same S. $2\frac{1}{2}^{\circ}$ W. 15 poles to a stake in road; thence S.25 $1\frac{1}{2}^{\circ}$ E. 20 poles to the Beginning, containing about 12 acres.

(9), To Alice J.Price,

LOT NO.9.

We assign to Alice J.Price, out of tract No.2, plat "A", as follows: Beginning at (a), a stake near a small black oak, N.25° W. 74 poles to (b), a large poplar in a hollow; thence with same S.50° W. 13 poles to (c); thence N.25° W. 1 pole to (d), so as to exclude a spring; thence N.50° E. 13 poles to (e); thence N.25° W. 90 poles to (o), a stake; thence S.27 $1\frac{1}{2}^{\circ}$ W. 9.5 poles to (n), a stake ~~near a gully~~; thence S.25° E. 29 poles to (m), a white oak near a gully; thence S.27 $1\frac{1}{2}^{\circ}$ W. 32.5 poles to (l), a sourwood stump on the Marion Price line; thence S.36 $3\frac{3}{4}^{\circ}$ E. 65 poles to (h), a stake near a buckeye; thence S.39° E. 48.2 poles to (i), a stake near a small sourwood and oak; thence N.39° E. 8 poles to the Beginning, containing about 18 $1\frac{1}{2}$ acres.

(10), To Garfield Sword,

LOT NO.10.

We assign to Garfield Sword, out of tract No.2, plat "A", as follows: Beginning at (l), a sourwood stump on Marion Price line, and corner to lot No.9, N.27 $1\frac{1}{2}^{\circ}$ E. 32.5 poles to (m), a small white oak near a gully; thence with same N.25° W. 29 poles to (n), a stake; thence N.27 $1\frac{1}{2}^{\circ}$ E. 9.5 poles to (o); thence N.25° W. 25 poles to (f), a stake six feet west of a small hickory on top of the ridge; thence with top of same S.79 $1\frac{1}{4}^{\circ}$ W. 53.7 poles to (g), a stake on top of ridge near three chestnut oak stumps; thence S.36 $3\frac{3}{4}^{\circ}$ E. 97 poles

to the Beginning, containing about 18 1/2 acres.

THE WIDOW'S DOWER.

We laid off and assigned to Martha J. Sword, widow, as and for her dower, a one-third interest in rental value of all the lands of which the said E. N. Sword died seized, quality and quantity considered, and so as to include the mansion house, which she requested, and so as to bear equally on the share of each of the children.

We would state by way of explanation, that, owing to the different tracts of land of which the said Sword died seized, and the ill shape in which said tracts are located, it was impossible to assign the widow's dower in one body, and so as to bear equally upon the share of each of the children; hence we were forced to assign her dower in the various disconnected parcels, as follows:

Out of lot No. 1, assigned to Flora Sword, we assign to the widow, Martha J. Sword, as part of her dower, as follows: Beginning at (b), two hickories, N. 1 3/4° E. 8.25 poles to (c), a sugartree; thence S. 82° E. 4 poles to (d), a box-elder; thence S. 29° E. 8 poles to (e) a stake; thence N. 64 1/2° E. 12 poles to (f), a sycamore, corner to lot No. 2; thence S. 6° E. 10 1/2 poles to (g'), a stake; thence S. 72° W. 28.2 poles to (h'), a stake on the Sword and Bailey line; thence N. 12° W. 6 poles to (a), a stake at west end of stone wall; thence with same N. 47 1/2° E. 11 poles to the Beginning, containing about two acres.

Out of lot No 2, assigned to Roy M. Sword, we assign to the widow, Martha J. Sword, as another part of her dower, as follows: Beginning at (f), a sycamore, corners to lots Nos. 1 and 7, N. 72° E. 25 poles to (i), a stake in lane near a sugartree; thence S. 12° E. 23.5 poles to (j'); thence S. 72° W. 25 poles to (i'), a stake on line of lots Nos. 1 & 2; thence N. 6° W. 23.5 poles to the Beginning, containing about 3 3/4 acres.

Out of lot No. 3., assigned to Elijah N. Sword, we assign to the widow, as another part of her dower, as follows: Beginning at (j), a stake in lane near a sugartree, S. 12° E. 14 poles to (m), a stake; thence S. 38 1/2° W. 13.5 poles to (l), a stake corner to Kimberling land, also a corner to lot No. 6; thence S. 63° W. 13.5 poles to (l'), a stake; thence N. 12° W. 26 poles to (k'), a small box-elder; thence N. 82° E. 24 poles to the Beginning, containing about 3 acres.

Out of lot No. 4, assigned to Silas F.Sword, we assign to the widow, Marha J.Sword, as another part of her dower, as follows: Beginning at (n), a peach tree on Sword and Kimberling line, N.64° E. 28.5 poles to (q), a stake corner to lot No.5; thence S.15° E. 17 poles to (n'), a stake; thence S.64° W. 28.5 poles to (m'), a stake on the Kimberling line; thence N.15° W. 17 poles to the Beginning, containing about 3 acres.

Out of lot No.5, assigned to Olive J.Sword, we assign to the widow, Martha J.Sword, as another part of her dower, as follows: Beginning at (q), corner to lot No. 4, N.64° E. 24 poles to (r), a stake on the Mink line; thence S.15° E. 25 poles to (p'); thence S.64° W. 24 poles to (o'), on line of lots Nos. 4 & 5; thence N. 15° W. 25 poles to the Beginning, containing about 3 3/4 acres.

Out of lot No.6, assigned to Arthur Sword, we assign to the widow, Martha J.Sword, as another part of her dower, as follows: Beginning at (l), corner of Kimberling land, N.38 1/2° E. 18.5 poles to (m), a stake; thence N.64° E. 19 1/2 poles to (r'), a stake; thence S.15° E. 18.75 poles to (q'), a stake; thence S.64° W. 31 poles to (n), a peach tree on Kimberling line; thence N.15° W. 15.5 poles to the Beginning, containing about 3 1/2 acres.

Out of lot No. 7, assigned to John P.Sword, we assign to the widow, Martha J.Sword, as another part of her dower, (which is intended as her dower right on lots Nos. 7 and 8, as will be hereafter explained), as follows: Beginning at (f), a sycamore, corner to lots Nos. 1 and 2, N.10 1/4° W. 36 poles to (x), a sycamore on south bank of creek, and with same N.72° E. 11 poles to (f'), a stake; thence S.10 1/4° E. 36 poles to (e'), a stake; thence S.72° W. 11 poles to the Beginning, containing 2 1/2 acres.

Our reasons for assigning the widow's dower in one body, on lots 7 and 8, which were assigned to John P. and Robert E.Sword, are this: John P.Sword had sold his lot or interest to the said Robert E.Sword, and both the said widow and the said Robert E. being willing that we assign the dower on said lots in one body, we accordingly did so, which is as above set out.

Out of lot No.9, assigned to Alice J.Price, we assign to the widow, Martha J.Sword, as another part of her dower, as follows: Beginning at (a), a stake near a small black oak, N.25° W. 58.5 poles

to (k), a stake; thence S.65° W. 22 poles to (j), a stake; thence S. 36 3/4° E. 14 poles to (k), a stake near a buckeye; thence S.39° E. 48.2 poles to (i), a stake near a small sourwood and oak; thence N. 39° E. 8 poles to the Beginning, containing about 6 acres.

Out of lot No.10, assigned to Garfield Sword, we assign to the widow, Martha J.Sword, we assign the residue of her dower, as follows: Beginning at (l), a sourwood stump, N.27 1/2° E. 10.5 poles to (p); thence N.36 3/4° W. 87 poles to (r), a stake on top of ridge; thence with same S.79 1/4° W. 10.5 poles to (g); thence S.36 3/4° E. 97 poles to the Beginning, containing about 6 acres.

The foregoing allotments and assignments, both to the children and the widow, are made subject to the following reservations and assignments:

(1), That lots Nos. 2, 7 and 8 shall have a right of way to water, for household and family purposes, to a spring on lot No.1, near (b), on plat "B". Said right of way beginning at a point four feet eastwardly from (f), a sycamore, on line "f i", and extending four feet wide along the northern boundaries of lots Nos. 2 and 1, from said point four feet eastwardly from (f), to (e), thence in a direct line to said spring near (b).

(2), That lots 4 and 5 shall each have a right of way to water, for household and family purposes, to the spring on lot 6, said right of way to be four feet wide, and to lead in a convenient way for each of said lots, and so as to be of as little damage to said lot 6 *as possible*.

We also assign for the benefit of lot No.5, a haul way one rod wide along the line between lots Nos.4 and 6, beginning at (q), on plat "B", and extending west to the old haulway, (said haul way to be one-half rod wide on each of said lots), and with said old haul way across said lot No.6 to lane, at (m), said haulway to be one rod wide; and this haul way we also assign as a right of way for lot No.4.

(3), That lot No.10 shall have a right of way over lot No.9, one rod wide, beginning at (l), plat "A", and extending southwardly along Marion Price's line to a lane, so as to give said lot No.10 and outlet at said lane.

The foregoing lots, rights of way, and dower rights, we have assigned to the respective parties above set out, and so far as we

are informed each and every of the parties is satisfied with the share assigned him.

And now having fully reported, your commissioners here respectfully file this their report, with plats "A" and "B" as parts thereof, this January 30th, 1904.

.....C. S. Cox.....)
 ...Michael Sword.....)
 Putnam Lockhart.....) Commissioners.
N. S. Cox.....)

+++++

BILL OF COSTS.

To C.S.Cox, for Surveying and Commissioner,	\$35.00
" Michael Sword, Commissioner 2 1/2 days @ \$2.00 per day,	5.00
" Putnam Lockhart, " " " " "	5.00
" N.S.Cox, " 1 1/2 " (No charge)	0.00
" R.E.Sword, chain-carrier, bushman &c. 9 days, @ \$1.00,	9.00
" Garfield Sword, chainman, 5 days @ \$1.00,	5.00
" D.D.Price, chainman, 4 days @ \$1.00,	4.00
" Silas Sword, Chainman, 1/2 day @ \$1.00,	.50
" Preston Sword, flagman 2 1/2 days @ \$1.00,	2.50
" W.M.Markham, bushman 2 days @ \$1.00,	2.00
" Board for commissioner and bushmen, to R.E.Sword,	2.50
TOTAL,	<u>\$70.50</u>

R. E. Sword

vs. } Report of Partition &c.

Martha J. Sword et al.

Report Filed Jan. 30th 1904.

A. B. Munsey Clerk

Recorded S. B. No. 41,283 &c

Fees for this Rept., \$70.50

The Commonwealth of Virginia,

To the Sheriff of the County of Lee, Greeting:

WE COMMAND YOU, That you summon *Martha J. Sword, Alice J. Price (wife of D. D. Price), John P. Sword, Garfield Sword, Arthur Sword, Allie J. Sword, S. F. Sword, Eliph. N. Sword, Roy M. Sword and Flora Sword, The last Seven of whom are infants*

to appear at the Clerk's office of the Circuit Court of the County of Lee, at rules to be held for the said court, on the *1st* Monday in *October*, 190*3*, to answer a bill in chancery exhibited against *Them* in our said court by *R. E. Sword*

And have then there this writ. Witness, A. B. MUNSEY, Clerk of our said Court, at the court-house, the *14th* day of *September*, 190*3*, and in the 12*8th* year of the Commonwealth.

A. B. Munsey, Clerk.

Serve Copies on
Martha J. Sword
Alice J. Price (wife of
D D Price)
John P Sword
Garfield Sword
Arthur Sword
Allie J. Sword
S. F. Sword
Elijah N Sword
Roy M. Sword
Floora Sword

R. E. Sword

vs.

SUBPEONA
IN CHANCERY.

Martha J. Sword et al

A. M. Goins p. q.

To/21 October Rules.

Circuit Court.

Executed Sept 14-1903
by delivery of true
copy of the within
process to all the
within Parties
D. B. Byring. for D. S.,
for M. J. Milburn
S. L. C.